

## MEMORANDUM

Agenda Item No. 5(A)

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**TO:** Honorable Chairman Joe A. Martinez  
and Members, Board of County Commissioners


**DATE:** July 17, 2012

**FROM:** R. A. Cuevas, Jr.  
County Attorney

**SUBJECT:** Ordinance extending  
Amnesty Period created by  
Ordinance 11-64 providing for  
a limited exception from civil  
penalties and liens for  
building code violation upon a  
homeowner's compliance with  
the Building Code; clarifying  
application of the amnesty

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The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Chairman Joe A. Martinez.

  
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R. A. Cuevas, Jr.  
County Attorney

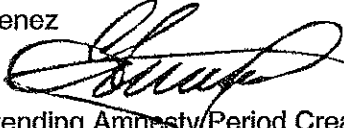
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# Memorandum



**Date:** July 17, 2012


**To:** Honorable Chairman Joe A. Martinez  
and Members, Board of County Commissioners

**From:** Carlos A. Gimenez  
Mayor 

**Subject:** Ordinance Extending Amnesty Period Created by Ordinance 11-64 for a Limited  
Exception From Civil Penalties and Liens for Building Code Violations

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The proposed ordinance extends the amnesty period created by Ordinance 11-64 for a limited exception from civil penalties and liens for building code violations for an additional one year period. As a result of continuing to waive civil penalties and liens previously assessed by the County, a fiscal impact will continue to occur. To date, the Regulatory and Economic Resources (RER) department has successfully completed 108 cases under the provisions of this ordinance. Total civil penalties and liens assessed amounted to \$1,221,011, of which the relief to property owners totaled \$1,159,293. The extent of the fiscal impact will depend on the number of homeowners that opt to be covered during the extension period.

  
Jack Osterholt  
Deputy Mayor

Fis8512

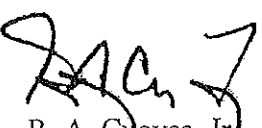


# MEMORANDUM

(Revised)

**TO:** Honorable Chairman Joe A. Martinez  
and Members, Board of County Commissioners

**DATE:** July 17, 2012

**FROM:**   
R. A. Cuevas, Jr.  
County Attorney

**SUBJECT:** Agenda Item No. 5(A)

Please note any items checked.

- ☐ "3-Day Rule" for committees applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Ordinance creating a new board requires detailed County Manager's report for public hearing
- ☐ No committee review
- ☐ Applicable legislation requires more than a majority vote (i.e., 2/3's \_\_\_\_, 3/5's \_\_\_\_, unanimous \_\_\_\_) to approve
- ☐ Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved \_\_\_\_\_ Mayor

Agenda Item No. 5(A)

Veto \_\_\_\_\_

7-17-12

Override \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

ORDINANCE EXTENDING AMNESTY PERIOD CREATED BY ORDINANCE 11-64 PROVIDING FOR A LIMITED EXCEPTION FROM CIVIL PENALTIES AND LIENS FOR BUILDING CODE VIOLATIONS UPON A HOMEOWNER'S COMPLIANCE WITH THE BUILDING CODE; CLARIFYING APPLICATION OF THE AMNESTY; PROVIDING SEVERABILITY, EXCLUSION FROM THE CODE, AND AN EFFECTIVE DATE

**WHEREAS**, this Board adopted Ordinance 11-64 to create a limited exception from civil penalties and liens resulting from Building Code violations upon a homeowner's compliance with the Building Code as a result of the severe economic crisis that exists in Miami-Dade County during a six-month Amnesty Period; and

**WHEREAS**, this Board wishes to continue to encourage compliance with the Building Code while being mindful of the hardships that result to homeowners from the strict application of the County's system of fines and penalties relating to building code violations; and

**WHEREAS**, Miami-Dade County remains in the midst of the severe economic crisis; and

**WHEREAS**, through the enactment of Ordinance 12-06 this Board previously extended the limited exemption contained in Ordinance 11-64 for a period of six (6) months; and

**WHEREAS**, this Board wishes to extend the Amnesty Period for an additional one (1) year in the manner more particularly set forth below and to clarify its application,

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY  
COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:**

Section 1. Upon application of a homeowner, the County shall waive any and all civil penalties related to the enforcement of the Building Code in connection with a structure, and all liens related to such civil penalties, provided the homeowner satisfies each of the following conditions:

- (a) A permit is issued to bring the structure into compliance with the Building Code within the Extended Amnesty Period as defined in this ordinance; and
- (b) The structure is brought into compliance with the Building Code within the period provided in the Building Code for completion of the work under the permit obtained within the Extended Amnesty Period; and
- (c) All direct costs of the Building and Neighborhood Compliance Department in connection with prior enforcement in connection with the structure, as documented by the Building and Neighborhood Compliance Department, shall be satisfied in full.

For purposes of this ordinance, a homeowner shall be understood as the person with direct and beneficial ownership of the affected structure. A homeowner may be a natural or legal person and shall include lessors. The term homeowner shall not include a financial institution which has acquired the home through foreclosure.

Section 2. The Extended Amnesty Period shall commence on the latter of the effective date of this ordinance or the expiration of the Amnesty Period in Ordinance 11-64, as extended, and end one year thereafter. This ordinance shall not operate as a defense in the event that the County has commenced a civil action to collect on the civil penalties or to foreclose a lien or against any enforcement action brought by the County.

Section 3. The Building Official is hereby directed to implement the necessary procedures and to develop the necessary documents to give effect to the intent of this ordinance.

Section 4. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 5. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, shall be excluded from the Code of Miami-Dade County.

Section 6. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as  
to form and legal sufficiency:



Prepared by:



Hugo Benitez

Prime Sponsor: Chairman Joe A. Martinez

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